

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WENZONG CHEN,
JEFFREY A. MATASEK and IGOR GROIS

Appeal No. 2003-1279
Application No. 09/455,621

ON BRIEF

Before OWENS, PAWLIKOWSKI, and POTEATE, **Administrative Patent Judges**.

POTEATE, **Administrative Patent Judge**.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the examiner's refusal to allow claims 1, 4 and 5. Claims 11-15 are allowed and claims 2, 3 and 6-10 have been indicated as allowable

Appeal No. 2003-1279
Application 09/455,621

if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. See Appeal Brief, Paper No. 10, received May 8, 2002, page 3.

Claim 1 is representative of the subject matter on appeal and is reproduced below:

1. A fiber optic connector module, comprising:

a ferrule terminated to at least one optical fiber, the ferrule including a front mating end and a rear end;

a pin keeper engaged with the rear end of the ferrule;

at least one alignment pin extending from the pin keeper through the ferrule and projecting beyond the front mating end of the ferrule for operative association with a complementary connecting device;

a pusher member spaced behind the pin keeper; and

a spring sandwiched between the pusher member and the pin keeper, the spring having opposite ends fixed to the pusher member and the pin keeper to hold the entire module together as a self-contained unit.

The reference relied upon by the examiner is:

Knight	6,085,003	July 4, 2000
		(filed July 28, 1998)

GROUND OF REJECTION

1. Claims 1 and 4 stand rejected under 35 U.S.C.

§ 102(e) as unpatentable over Knight.

2. Claim 5 stands rejected under 35 U.S.C. § 103 as unpatentable over Knight.

We reverse.

DISCUSSION

The present invention is directed to a fiber optic connector module. A typical fiber optic connector includes a ferrule for mounting and centering an optical fiber or fibers within the connector. Specification, page 1, lines 9-10. The ferrule is embraced by a ferrule holder or other housing component, a spring being disposed within the housing or ferrule holder to forwardly bias the ferrule for engagement with another fiber-mounting ferrule of a mating connecting device. *Id.* at lines 11-15. According to appellants, the claimed fiber optic connector module has significant advantages in assembly over conventional fiber optic connector assemblies. These advantages are achieved, in part, by fixing the ends of the spring to the pusher member and pin keeper such that the module is held together as a self-contained unit. See Appeal Brief, page 5, third paragraph, and Specification, page 2, lines 14-16.

1. Rejection of claims 1 and 4 under 35 U.S.C.
§ 102(e) as unpatentable over Knight

Anticipation requires the disclosure, in a single prior art reference, of each element of the claim under consideration. See **W.L. Gore & Assocs., Inc. v. Garlock, Inc.**, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), **cert. denied**, 469 U.S. 851 (1984). The main point of disagreement between appellants and the examiner is whether Knight discloses a spring which is "fixed" to the pusher member and the pin keeper to hold the entire module together as a self-contained unit. The examiner maintains that "[t]he term fixed does not require any structural element for securement as argued by the appellant only the relative location thereof. As illustrated in Figure 4 [of Knight], the location of the elements relative to each other is set and therefore within a broadest reasonable interpretation of the term 'fixed'." Examiner's Answer, Paper No. 12, mailed July 29, 2002, page 6.

Although the examiner is correct that during patent prosecution, claims are given their broadest reasonable interpretation, the examiner seems to ignore the further requirement that this interpretation be consistent with the Specification and claims. **See In re Yamamoto**, 740 F.2d 1569, 1571, 222 USPQ 934,

936 (Fed. Cir. 1984). In the present case, it is clear from the Specification and claims that the term "fixed" requires that the spring is assembled between the pusher member and the pin keeper in such a manner that it is capable of "hold[ing] the entire module [42] together as a self-contained unit." Claim 1. See Specification, page 10, line 14 - page 11, line 12 (wherein appellants describe how the coil spring is "fixed" to the pin keeper). ***Cf. In re Cruciferous Sprout Litig.***, 301 F.3d 1343, 1348, 64 USPQ2d 1202, 1205 (Fed. Cir. 2002), ***cert. denied***, 123 S.Ct. 1487 (2003) (quoting ***Intervet Am., Inc. v. Kee-Vet Labs, Inc.***, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989)) ("[L]imitations appearing in the specification will not be read into claims, and . . . interpreting what is ***meant*** by a word ***in*** a claim 'is not to be confused with adding an extraneous limitation appearing in the specification, which is improper.'")

In support of his contention that Knight teaches a spring having opposite ends fixed to the pusher member and pin keeper to hold the entire module together as a self-contained unit, the examiner references Figure 4 of Knight. However, we are in agreement with appellants that Figure 4 and the corresponding discussion relating to the spring 22 in Knight's

specification (see column 6, lines 6-30) simply do not support the examiner's assertion that the spring functions to hold the entire module together as a self-contained unit. Further, we do not find that Knight inherently discloses this feature of the invention since appellants have provided an equally plausible explanation as to how Knight's assembly is held together (see Appeal Brief, page 6). **See Trintec Indus., Inc. v. Top-U.S.A. Corp.**, 295 F.3d 1292, 1295, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) ("Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art.").

Accordingly, the rejection is reversed.

2. Rejection of claim 5 under 35 U.S.C. § 103
as unpatentable over Knight

Claim 5 depends from independent claim 1. Having found that the examiner has failed to establish that Knight discloses **or suggests** the claim 1 feature of a "spring having opposite ends fixed to the pusher member and the pin keeper to hold the entire module together as a self-contained unit," we conclude that the examiner has failed to establish a **prima facie** case of obviousness with respect to claim 5.

Appeal No. 2003-1279
Application 09/455,621

The rejection is reversed.

REVERSED

TERRY J. OWENS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
BEVERLY A. PAWLIKOWSKI)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
LINDA R. POTEATE)	
Administrative Patent Judge)	

LRP:psb

Appeal No. 2003-1279
Application 09/455,621

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